IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

A) BOA	E U.S. DIST. COURT NOKE, VA "LED
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KELVIN CANADA,)
Plaintiff,) Civil Action No. 7:06cv00190
)
v.) FINAL ORDER ADOPTING REPORT
	AND RECOMMENDATION
TRACY RAY, ET AL)
Defendants.) By: Samuel G. Wilson
) United States District Judge

Kelvin Canada brings this suit pursuant to 42 U.S.C. § 1983, claiming that while incarcerated at Red Onion State Prison the defendants violated his constitutional rights and rights afforded under the Religious Land Use and Institutionalized Persons Act of 2000. The defendants filed a motion for summary judgment, and the court referred the matter to United States Magistrate Judge Michael F. Urbanski pursuant to 28 U.S.C. 636(b)(1)(B) for a report and recommendation. The Magistrate Judge filed a report and recommendation finding that the majority of Canada's claims were not properly exhausted before Canada filed this action, and that the defendants are entitled to judgment as a matter of law as to the remaining claims. The Magistrate Judge recommended that defendants' motion for summary judgment be granted and that Canada's complaint be dismissed. Neither party filed objections.

The court has reviewed the Magistrate Judge's report, pertinent portions of the record, and it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's report be **ADOPTED** in its entirety, that defendants' motion for summary judgment be **GRANTED**, and that Canada's suit be **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send certified copies of this order to be plaintiff and to counsel for the defendants.

ENTER: This September 1911, 2006.

UNITED STATES DISTRICT JUDGE